

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CAROL M. MCDONOUGH, SARA SHUCK,
LAWRENCE B. MCNALLY, EVELIA Y. RAGSDALE,
JENNIFER SULLIVAN, SARA L. OTAZO, AMY GALVIN
GROGAN, ERIN M. HALL, MELISSA NUTTALL, JULIE
LINDEMANN, STEPHANIE BOZZO, DARCY
TRZUPEK, AND YOSSI ZARFATI AND ON BEHALF
OF ALL OTHERS SIMILARLY SITUATED,

Plaintiffs,

v.

TOYS "R" US, INC. d/b/a BABIES "R" US; BABIES "R"
US, INC; TOYS "R" US-DELAWARE, INC.; BABY
BJÖRN, AB; BRITAX CHILD SAFETY, INC; KIDS LINE,
LLC; MACLAREN USA, INC.; MEDELA, INC.; PEG
PEREGO, U.S.A., INC.; and REGAL LAGER INC.,

Defendants.

No. 2:06-cv-00242-AB

**DEFENDANT REGAL LAGER, INC.'S MOTION FOR SUMMARY JUDGMENT
(HARM TO COMPETITION)**

Pursuant to F.R. Civ. P. 56(b), defendant Regal Lager, Inc. ("Regal Lager") moves¹ for summary judgment in its favor on Count I under §1 of the Sherman Act, 15 U.S.C., §1, the sole remaining count of plaintiffs Fourth Consolidated Class Action Complaint [Dkt. # 340].²

This motion addresses only the essential element of harm to competition in a relevant product and geographic market. Regal Lager will, if necessary, file a separate

¹ In light of the expired deadline for dispositive motions set by the Sixth Amended Scheduling Order [Dkt # 673], Regal Lager has concurrently moved for leave to file this motion for summary judgment. See "Defendant Regal Lager, Inc.'s Motion for Leave to File Motion for Summary Judgment" filed on an even date herewith.

² By Order entered July 15, 2009, the Court dismissed Counts II-IV as to all defendants. [Dkt. # 586].

motion for summary judgment addressing the other essential elements of agreement to fix prices, damages, causation and other defenses.

WHEREFORE, Regal Lager, Inc. respectfully requests that the Court enter summary judgment in its favor and against Plaintiffs.

Respectfully submitted this 31st day of March 2011.

D. R. MARTIN, LLC

**MITRANI, RYNOR, ADAMSKY &
TOLAND, P.A.**

By: /s/_____
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